

Honolulu, Hawaii

MAR 16 2006

RE: H.B. No. 3254
H.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Labor, to which was referred H.B. No. 3254,
H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO OATHS OF OFFICE,"

begs leave to report as follows:

The purpose of this measure is to repeal provisions within the Hawaii Revised Statutes (HRS) that require public employees, who are not required under Article XVI, Section 4 of the Hawaii State Constitution, to take a loyalty oath.

Testimony in support of this measure was submitted by the Office of the Ombudsman.

Your Committee finds that Article XVI, Section 4, of the Hawaii State Constitution was amended in 1992 to require only the Governor, Lieutenant Governor, members of the Legislature, members of the Board of Education, members of the National Guard, employees of the State and counties possessing police powers, district court judges, and officers whose appointment requires the consent of the State Senate to subscribe to an oath of office. Subsequent to the 1992 constitutional amendment, part II of chapter 85, HRS, relating to loyalty oaths was also repealed.

However, your Committee further finds that, although obsolete, certain provisions of the law still exist that either require specific public employees to take a loyalty oath or refer to the repealed provisions of chapter 85, HRS. Your Committee determines that these provisions should be repealed, as the



affected positions are not specifically enumerated as those subject to the constitutional mandate of a loyalty oath and their continued presence may cause confusion as to their effect and applicability.

As affirmed by the record of votes of the members of your Committee on Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3254, H.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Labor,



BRIAN KANNO, Chair



Record of Votes of the Committee on Labor (Bills and Resolutions)

*Do not list more than one measure per Record of Votes.